GOVERNMENT OF INDIA
DEFENCE
LOK SABHA

UNSTARRED QUESTION NO:2233
ANSWERED ON:03.12.2007
ARMED FORCES TRIBUNAL BILL
Deora Shri Milind Murli

Will the Minister of DEFENCE be pleased to state:

(a) whether the Union Cabinet has approved the amendments to the Armed Forces Tribunal Bill, 2005;

(b) if so, the details thereof;

(c) the salient features of the Bill;

(d) the composition of the Tribunal;

(e) the number of cases pending in High Courts and Supreme Court, filed by Armed Forces personnel;

(f) whether these cases will also be transferred to this Tribunal; and

(g) the extent to which the process of settlement of cases will be stepped up?

Answer

MINISTER OF DEFENCE (SHRI A.K. ANTONY)

(a) to (g): A Statement is attached.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (g) OF LOK SABHA UNSTARRED QUESTION NO. 2233 FOR ANSWER ON 3.12.2007

The Union Cabinet has approved the amendments proposed by the Ministry to the Armed Forces Tribunal Bill, 2005. A Notice for moving the Amendments has also been referred to the Rajya Sabha Secretariat.

The salient features of the Armed Forces Tribunal Bill, 2005 includes the provision for the adjudication or trial by the Armed Forces Tribunal of disputes and complaints with respect to commission, appointments, enrolment and conditions of service in respect of persons subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950 and also to provide for appeals arising out of orders, findings or sentences of courts-martial held under the said Acts and for matters connected therewith or incidental thereto.

The Bill amongst others, contains provision for establishment of the Tribunal and Benches thereof; eligibility criteria for appointment of Chairperson and Members; jurisdiction, powers and authority of the Tribunal; and provisions relating to procedure and appeal etc.

The Tribunal will consist of a Chairperson and such number of Judicial and Administrative Members as determined by the Central Government.

A total number of approximately 169 and 9755 cases filed by the Armed Forces personnel are pending in the Supreme Court and various High Courts, respectively. A provision exists in the Bill to transfer cases pending before any court including a High Court to the Tribunal.

It is expected that the setting up of the Tribunal will result in speedy and less expensive dispensation of justice to the Defence Services personnel.